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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

DEC 16 1994

(AR-18J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Steven Cohen
Mr. Lawrence (Bud) Cohen
Chicago International Chicago, Inc./
Chicago International Exporting
4020 South Wentworth Avenue
Chicago, Illinois 60609

EPA Region 5 Records Ctr.



246188

Re: Notice of Violation
Chicago International Chicago,
Inc./Chicago International
Exporting
Chicago, Illinois

Dear Messrs. Cohen:

The enclosed Notice of Violation is issued this date pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1), to notify Chicago International Chicago, Inc./Chicago International Exporting that the Administrator of the United States Environmental Protection Agency (U.S. EPA) finds the facility located at 4020 South Wentworth Avenue, Chicago, Illinois to be in violation of the Illinois State Implementation Plan. Specifically, Chicago International Chicago, Inc./Chicago International Exporting has constructed and operated emission sources without the required permits. This Notice of Violation is also based on evidence which consists of visible emissions observations conducted on the date listed in the enclosed Table of Violations.

Section 113 of the Act, 42 U.S.C. § 7413, provides U.S. EPA with several enforcement options. Those options include the issuance of an administrative order, an administrative penalty order or the commencement of a civil or criminal action. In addition, Section 120 of the Act, 42 U.S.C. § 7420, provides for the assessment and collection of noncompliance penalties. Section 306 of the Act, 42 U.S.C. § 7606, as implemented by Executive Order 11738 and 40 C.F.R. Part 15, provides that facilities in noncompliance with the Act may become ineligible for Federal contracts, grants or loans.

We are offering you an opportunity for a conference to discuss the violations which are the subject of this Notice. The conference will afford you an opportunity to present information bearing on the Findings of Violation, on the nature of the violation, and on any efforts you have taken to achieve compliance. You may wish to be represented by counsel.



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The U.S. EPA contact in this matter is Brent Marable. Please contact Mr. Marable at (312) 886-6812 to request a conference. Such a request should be made as soon as possible, but in any event no later than ten (10) days after receipt of this correspondence. Any conference must be held within thirty (30) days of your receipt of this Finding.

Sincerely yours,



David Kee, Director
Air and Radiation Division

Enclosure

cc: Bharat Mathur, Chief
Bureau of Air
Illinois Environmental Protection Agency

Mel Villalobos, Manager
Region I
Illinois Environmental Protection Agency

Dave Kolaz, Chief
Compliance and Systems Management
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:

Chicago International Chicago, Inc./
Chicago International Exporting
Chicago, Illinois

Notice of Violation
EPA-5-94-R

PROCEEDINGS PURSUANT TO
SECTION 113(a)(1) OF THE
CLEAN AIR ACT, AS AMENDED,
42 U.S.C. § 7413(a)(1)

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a)(1) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(1). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to the undersigned, finds that Chicago International Chicago, Inc./Chicago International Exporting is in violation of the Illinois State Implementation Plan (SIP).

STATUTORY AND REGULATORY BACKGROUND

1. Section 110(a) of the Act, 42 U.S.C. § 7410(a), requires each State to adopt and submit to the Administrator a plan which provides for implementation, maintenance, and enforcement of promulgated national primary and secondary ambient air quality standards in each air quality control region (or portion thereof) within the State.
2. Section 110(k)(3) of the Act, 42 U.S.C. § 7410(k)(3), requires the Administrator to approve SIPs submitted by a state if the SIP meets all of the applicable requirements of the Act.
3. Illinois PCB Rule 103 outlines the Permit Application and Review Process for federally enforceable construction permits.
4. Illinois PCB Rule 103(a)(1) requires that a construction permit be obtained prior to the construction of any new emission source or air pollution control equipment, or modification to an existing emission source or air pollution control equipment.
5. Illinois PCB Rule 103(b)(1) prohibits, among other things, new emission sources required to obtain a construction permit from operating without first obtaining an operating permit.
6. On May 31, 1972, Illinois Pollution Control Board (PCB) Rule 103 was approved by the Administrator of the U.S. EPA (37 Fed. Reg. 10862) as part of the federally enforceable SIP for Illinois.
7. Illinois PCB Rule 103(a)(1) has been recodified at 35 Ill. Admin. Code § 201.142.

8. Illinois PCB Rule 103(b)(1) has been recodified at 35 Ill. Admin. Code § 201.143.
9. Illinois SIP Rule 35 Illinois Admin. Code § 212.123 sets forth limitations for sources other than new fuel combustion emission sources with actual heat input greater than 250 mmbtu/hr, and states in part that emission of smoke or other particulate matter may not have an opacity of greater than 30 percent; with the exception that the emission of smoke or other particulate matter from the emission source may have an opacity greater than 30 percent but not greater than 60 percent for a period or periods aggregating 8 minutes in any 60 minute period.
10. Illinois SIP Rule 35 Illinois Admin. Code § 212.123 was approved by U.S. EPA as part of the federally enforceable SIP for Illinois on December 29, 1992. 57 Fed. Reg. 61834.

FINDING OF VIOLATIONS

11. Chicago International Chicago, Inc./Chicago International Exporting operates a facility located at 4020 South Wentworth Avenue, Chicago, Illinois which processes scrap metals.
12. On November 25, 1992, IEPA inspected the facility at 4020 South Wentworth Avenue, Chicago, Illinois and observed neither a Metal Shredding Line nor a Metal Sorting Line (secondary shredder).
13. On June 4, 1993, IEPA observed a Metal Shredding Line operating at Chicago International Chicago, Inc./Chicago International Exporting's facility.
14. The Metal Shredding Line is a new emission source as defined at 35 Ill. Admin. Code § 201.102.
15. On June 4, 1993, Chicago, International Chicago, Inc./ Chicago International Exporting had not obtained either a construction or operating permit for its Metal Shredding Line.
16. On January 28, 1994, IEPA observed that a Metal Sorting Line (secondary shredder) had been constructed at the facility at 4020 South Wentworth Avenue, Chicago, Illinois.
17. The Metal Sorting Line (secondary shredder) is a new emission source as defined at 35 Ill. Admin. Code § 201.102.
18. On January 28, 1994, Chicago International Chicago, Inc./Chicago International Exporting had not obtained a construction permit for its Metal Sorting Line (secondary shredder).

19. On June 1, 1994, the Illinois Environmental Protection Agency (IEPA) denied a Joint Construction and Operating Permit for Chicago International Exporting's Metal Shredding and Sorting Lines.
20. On June 29, 1994, IEPA observed the Metal Sorting Line (secondary shredder) operating at Chicago International Chicago, Inc./Chicago International Exporting's facility.
21. On June 29, 1994, Chicago International Chicago, Inc./Chicago International Exporting had not obtained an operating permit for its Metal Sorting Line (secondary shredder).
22. Based on the data in paragraphs 11-21, Chicago International Chicago, Inc./Chicago International Exporting has constructed and operated its Metal Shredding and Sorting Lines without construction and operating permits, in violation of Illinois PCB Rule 103(a)(1) and Illinois PCB Rule 103(b)(1), recodified at 35 Ill. Admin. Code §§ 201.142, 201.143.
23. On November 15, 1994, November 16, 1994, and November 17, 1994, U.S. EPA observed emissions from the Metal Shredding and Sorting Lines at Chicago International Chicago, Inc./Chicago International Exporting's facility.
24. On the day listed in the attached Table Of Violations, a U.S. EPA inspector took visible emission readings from the Metal Sorting Line (secondary shredder). Twenty-two minutes of visible emission readings were in excess of the limitation allowed by Illinois SIP Rule 35 Illinois Administrative Code § 212.123.

NOTICE OF VIOLATION

The Administrator of U.S. EPA, by authority duly delegated to the undersigned, notifies the State of Illinois and Chicago International Chicago, Inc./Chicago International Exporting the the facility described above is in violation of the applicable implementation plan, as set forth in this Notice of Violation.

Date

12/16/94


David Kee, Director
Air and Radiation Division

EDR

Chicago International Chicago, Inc./
Chicago International Exporting

TABLE OF VIOLATIONS

<u>Date</u>	<u>Time</u>	<u>Opacity 6 minute average</u>	<u>emission source</u>
11/15/94	1:26 pm - 1:32 pm	32%	Metal sorting line (secondary shredder)
11/15/94	1:32 pm - 1:38 pm	42%	Metal sorting line (secondary shredder)
11/15/94	1:38 pm - 1:44 pm	58%	Metal sorting line (secondary shredder)
11/15/94	1:44 pm - 1:50 pm	71%	Metal sorting line ✓ (secondary shredder)
11/15/94	1:50 pm - 1:56 pm	68%	Metal sorting line (secondary shredder)